

Amendments to the Drawings

1. Applicant has amended Fig. 1(h) and Fig. 1(i) to add the label text "Local motion artifact" and a lead line associating the label with the encircled areas
2. Applicant has amended Fig. 2(a) and Fig. 2(b) text "Central part of lesion" and rotated the arrows for greater visibility.
3. Applicant has amended Fig. 4 by replacing reference letter "V" with "predefined volume of space," reference letter "R" with "reference frame," reference letter "P" with "frame," reference letter "L" with "row," reference term "L2" with "column," reference term "L3" with "depth column," reference letter "P" with "seed voxel," and reference letter "O" with "subject." Arrows have also been moved to provide greater readability.
4. Applicant has amended Fig. 5 by labeling the axes of the chart replacing reference letter "L" with "locus."
5. Applicant has amended Fig. 6 with text clearly labeling the highlighted areas (indicated by arrows) as "Point of focus of the display." In addition, the arrows have been moved to aid in visibility. The reference letters "L", "R", and "H" have been replaced with the text labels "Left," "Right," and "Head" respectively. The word "time" along the lower right edge of the figure has been given a lighter background to increase visibility.
6. Applicant has amended Fig. 7 with the words "Right" and "Head" to replace the reference letters "R" and "H", respectively. The word "Time" in the lower right corner of the figure has been given a lighter background for greater visibility. In addition, the text labels "Central region of lesion" have been added to label the highlighted areas of the figure, and the arrows highlighting portions of the figure have been moved for greater visibility.

Remarks

Claims 36 – 37, 39- 42, 44 – 51, 53 – 56, 58 – 63, and 65 are pending in this application, with claims 38, 43, 52, 57, 64 cancelled above. Claims 36-42 and 50-56 stand rejected. Claim sets 43-49 and 57-63 are objected to. Claims 36, 50, and 65 have been amended above as further described below. The dependencies of claims 39, 44, 46, 53, 55, 58, and 60 have been adjusted to account for the deletion of claims 38, 43, 52, and 57, respectively. Figures 1, 2, and 4-7 have been amended as described above.

Figures

Figures 1-7 are objected to “because the highlighted areas and the reference letters should be labeled in text.” Figures 1 – 2 and 4 – 7 have been amended as above, to satisfy the requirement. Figure 3 does not contain any reference letters, and as such, should already be in condition for allowance. In view of the amendments, Applicant understands the objection to be overcome. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objections to Figures 1 – 7.

Specification

The Examiner indicated that “the title of the invention is not descriptive.” The title has been amended as indicated above. As such, Applicant believes the requirement is addressed. Accordingly, applicant understands the rejection to be overcome. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to the title.

Applicant acknowledges the optional suggestion of modifying the arrangement of the specification to include the lettered headings; however, Applicant is satisfied to leave the specification as originally arranged.

Rejections Under 35 U.S.C. 112

Claims 64 and 65 are rejected under 35 USC 112, first paragraph, for “failing to comply with the enablement requirement.” Applicant has canceled claim 64, rendering the rejection moot. In addition, Applicant has amended claim 65 by inserting the text “A computer

program product, comprising a computer usable medium having a computer readable program code embodied therein, said computer readable program code adapted to be executed to implement...". (Claim 65 is now presented in Beauregard form, which the Patent Office and Federal Circuit have consistently held to be of acceptable form. (*In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995).) Indeed, claim 65 incorporates text recently confirmed by the BPAI in another application. (*Ex parte Bo Li*, Appeal 2008-1213 (BPAI 2008)). In *Bo Li* the Board upheld the form of the claim and issued no rejection under 35 U.S.C. 112. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 65.

Rejections Under 35 U.S.C. 102

Claim 36-39, 50-53, and 64-65 are rejected under 35 US 102(b) as being anticipated by Xu et al (US Patent No.: 6, 363, 163).

While the Applicant respectfully disagrees with this rejection, the claims have nonetheless been amended to move prosecution forward and bring the claims into condition for allowance. Specifically, claim 36 has been amended to include the subject matter of dependent claims 38 and 43. Since claim 43 has been noted by the Examiner to be allowable if written in independent form, amended claim 36 should also be allowable for at least the reason that claim 36 includes the subject matter of claim 43 and intervening claim 38. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 36, as well as claims 37, 39, and 65, which depend variously therefrom.

Likewise, claim 50 has been amended to include the subject matter of dependent claims 52 and 57. Since claim 57 has been noted by the Examiner to be allowable if written in independent form, amended claim 50 should also be allowable for at least the reason that claim 50 includes the subject matter of claim 57 and intervening claim 52. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 50, as well as claims 51, 53, and 65, which depend variously therefrom.

Rejections Under 35 U.S.C. 103(a)

Claims 40 – 42 and 54 – 56 are rejected under 35 USC 103(a) as being unpatentable over Xu et al. (US Patent No.: 6, 363, 163) in view of Clune (US Patent No. 7,187,810). However, since claims 40-42 depend directly or indirectly from allowable claim 36, claims 40-42 are allowable at least for the reasons presented above. Likewise, since claims 54 – 56 depend directly or indirectly from allowable claim 50, claims 54 – 56 are allowable at least for the reasons presented above.

Allowable Subject Matter

Applicant notes with appreciation the indication that claims 43-49 and 57-63 would be allowable if rewritten in independent form, which Applicant has effected by the amendment to independent claims 36 and 50 as explained above.

In view of the foregoing amendments and remarks, it is believed that the claims in this application are now in condition for allowance. Early and favorable reconsideration is respectfully requested. The Examiner is invited to telephone the undersigned in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,

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